

Court No. - 29

Case :- CRIMINAL REVISION No. - 1286 of 2023

Revisionist :- Yogesh Kumar Trivedi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And Another

Counsel for Revisionist :- Umesh Chandra Chaturvedi

Counsel for Opposite Party :- G.A., Vineet Kumar Mishra

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. In compliance of previous order dated 24.11.2023, both the parties, Shri Yogesh Kumar Trivedi and Smt. Priyanka Shukla appeared before the Court. Both the parties are ready to live separately but at the point of one time settlement, there is disagreement between the parties regarding the money. The offer from the revisionist is Rs.8,00,000/- while his wife is demanding Rs.15,00,000/-, so the matter could not be decided in terms of compromise.

2. Heard learned counsel for revisionist and Shri Vineet Kumar Mishra, learned counsel for opposite party no. 2.

3. This revision has been filed by revisionist Yogesh Kumar Trivedi against the order dated 19.10.2023 and 03.01.2023 passed by the learned Principal Judge, Court No. 8, Family Court, Lucknow. Vide order dated 03.01.2023, the case under Section 125 Cr.P.C. against the revisionist was ordered to proceed ex-parte and vide order dated 19.10.2023 the application for recall of order dated 03.01.2023 moved by the revisionist was rejected by the trial court. The ground for non-appearance is taken that previously he was appearing before the court but as the file was transferred to some other court and due to Covid, the applicant could not get information regarding the file and the case proceeded ex-parte.

4. Though the ground taken up by the revisionist is opposed by

Shri Vineet Kumar Mishra, learned counsel for opposite party no. 2, but as hearing of the application under Section 125 Cr.P.C. is ordered to proceed ex-parte, it would be better that the matter be decided on merits once for all, so both, the learned counsel for the applicant and learned counsel for opposite party no. 2 agreed that the ex-parte order may be set aside and the application under Section 125 Cr.P. (the application for interim maintenance also) be decided on merits at the earliest possible time and the opposite party no. 2 be compensated to some extent in the matter. Hence, the order dated 03.01.2023 and 19.10.2023 above are set aside at the cost of Rs.15,000/-. The amount be paid to opposite party no. 2 directly before the trial court on 18.12.2023. Only after the payment of the amount of Rs.15,000/- to opposite party no. 2 on 18.12.2023, the order dated 03.01.2023 and 19.10.2023 shall be considered to be set aside.

5. Accordingly, the revision is allowed.

6. The opposite party no. 2 shall get the amount of Rs.15,000/- deposited in the mediation centre by moving an application there.

7. The trial court is directed to dispose of the application under Section 125 Cr.P.C. expeditiously preferably within four months from today. The parties shall appear before the trial court on 18.12.2023.

Order Date :- 7.12.2023

Virendra